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David B. Andersen

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INTEL/BSTZ

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EXAMINER

HUYNH, SON P

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,484	<b>Applicant(s)</b> ANDERSEN ET AL.	
	<b>Examiner</b> SON P. HUYNH	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-12,14,16,17,20,22-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-12,14,16,17,20,22-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to amended claims 1, 4, 6-12, 14, 16-17, 20, 22-26, and 28 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument regarding rejection of claims 26, 28 under 101 that the term "when" in the claim specifies that the limitation is directed to the time when the computer readable storage medium is being accessed, thus excluding the time when it is not being executed...use of language identical to or similar to that which is used in claims 26 and 28 has been thought acceptable in hundreds of issued patents (page 8), the Examiner respectfully disagrees.

It is noted that many memorandums have been issued regarding changes in U.S.C 101. In fact, M.P.E.P 2106.01 states "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such

Art Unit: 2424

claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035".

Claims 26 and 28 recite "computer readable storage medium comprising data that when accessed by ..." do not necessarily define structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus not statutory. For example, a CD or floppy disk having computer readable executable instructions/software code, however, when the CD or floppy disk is not implemented and/or not being executed by the a computer/processor, functionality of computer program/data structure in the floppy disk/CD is not realized.

Therefore, rejections of claims 26 and 28 under 101 are sustained.

It is suggested the limitation "a computer...that when executed..." should be replaced as —a computer readable storage medium comprising computer executable instructions being executed...—

Applicant argues Applicants have removed the term "or" to require that both types of unique symbols are present in the listings. The Examiner has not identified any part of Stautner or Boyer that teaches the second type of unique symbol (page 9). The Examiner relies on Farwell (US 5, 650,831) for the teaching of "second predefined unique symbol" to indicate a two screen (PIP symbol – figure 13, col. 18, lines 20-29).

In addition, it is noted that the term "first predefined unique symbol" or "second predefined unique symbol" as claimed, does not functionally change Stautner's system over how it operates with respect to the disclosed graphics/different predefined unique symbols display with program guide, and, thus, constitutes non-functional descriptive material. Non functional descriptive material cannot render patentable an otherwise unpatentable product or process. *In re Ngai*, 367 F.3d 1336, 1339 (Fed. Cir. 2004); *Exparte Curry*, 84 USPQ2d 1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] .... a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer).

For the reason given above, rejections on claims 1, 4, 6-12, 14, 16-17, 20, 22-26, and 28 are discussed below.

Claim 2-3, 5,13, 15, 18-19, 21,27 have been cancelled.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 26 and 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 26 and 28 recite "computer readable storage medium comprising data that when accessed by ..." do not necessarily define structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus not statutory. For example, a CD or floppy disk having computer readable executable instructions/software code, however, when the CD or floppy disk is not implemented and/or not being executed by the a computer/processor, functionality of computer program/data structure in the floppy disk/CD is not realized.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2424

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 6-7, 17, 20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner (US 6,172,677) in view of Farwell (US 5,650,831).

Regarding claim 1, Stautner discloses a method comprising providing a television program schedule includes a listing for a program (e.g. Clear and Present Danger, NBA: Houston Rockets vs. Boston Celtics, etc.) that has supplemental content (e.g. Pizza Hut order, or additional digital content, chat content, etc. – see include, but are not limited to, figures 2, 4-5, and col. 2, line 64-col. 3, line 9; col. 3, lines 40-67). Thus, a program schedule that includes a listing for a program (e.g. program schedule that includes listing for “Clear and Present Danger”, “NBA:...”, chat content, etc. –figure 2-5) that has supplementary content (merchandise content, order information, scores, chat content, or additional digital content, etc.) must be created so that a supplemental content (e.g. Pizza Hut order information, score of a game, chat content, etc.) is displayed with “Clear and Present Danger”, NBA game, or talk show, etc. on the program guide

Stautner further discloses the “supplemental content provided as an enhancement transmitted in association with the television program” (interpreted as additional digital information, web address, or advertising information is provided in VBI signal or provided as a portion of the television program or it is interpreted as when a television program is displayed on television window 100, the viewer selects score information, order information, etc. which is tied to the television program displayed on

Art Unit: 2424

the television window, the order information, or score, or other content link to the selected icon is transmitted and displayed in association with the television program displayed in television window – see include, but are not limited to, figure 5, col. 1, lines 55-61, col. 2, line 49-63, col. 3, lines 50-65, col. 4, lines 21-28, col. 5, lines 15-67, col. 6, line 50col. 7, line 13).

Stautner further discloses associating a first predetermined unique symbol with a first type of the supplementary content to indicate a one screen interactivity mode to display first interactive content and the television program on a first screen by a processor (interpreted as embedding a symbol such as rectangular 40 for Pizza Hut order information, square 80 for sport Stat, etc. , the symbol/icon, selection of icon on the screen provide an automatically dial out, and displaying embedded browser/one screen interactivity mode to display first interactive content such as order information, sport scores, team standing, etc. and television content by a processor. For example, selection a score game icon to display embedded browser including game status, score, television content on one screen (see include, but are not limited to, figures 2,5, col. 3, lines 53-67, col. 4, lines 30-35, col. 5, lines 15-50, col. 6, line 50-col. 7, line 15).

Stautner further discloses associating a second predefined unique symbol associated with a second type of the supplemental content (e.g., symbol for television and chat) and two screen interactivity mode to display, a on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen by the



Art Unit: 2424

processor (e.g., television displaying on television screen for displaying television content for ABC news and second screen for displaying chat content or other content (see include, but are not limited to, figures 2-3, col. 5, lines 25-30, col. 7, lines 35-50).

Stautner also discloses providing the symbol in association with the listing in the program schedule such as circle symbol 30 with Talk show in program schedule, rectangular symbol 40 with "Clear and Present Danger" in program schedule, etc. – see include, but are not limited to, figures 2, 4) reads on the claimed feature "providing a predetermined unique symbol in association with the listing in the program schedule. However, Stautner is silent about predefined unique symbol to indicate two-screens mode.

Farwell discloses unique symbol to indicate two-screens mode (PIP icon 1328 - see include, but are not limited to, figure 13, col. 18, lines 20-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner with the teaching as taught by Farwell in order to yield predictable result such as allow user to display content in desired mode quickly.

Regarding claim 4, Stautner in view of Farwell discloses a method as discussed in the rejection of claim 1. Stautner further discloses the first predetermined unique symbol is a text string (e.g. text string ESPN, NBA, etc. – figures 2, 4-5).

Regarding claim 6, Stautner in view of Farwell discloses a method as discussed in the rejection of claim 1. Stautner further discloses the first predefined unique symbol is a graphic symbol (e.g., rectangular symbol 40, star symbol 60, etc. – figures 2, 4-5).

Regarding claim 7, Stautner in view of Farwell discloses a method as discussed in the rejection of claim 1. Stautner further discloses the first predetermined unique symbol is an image (met by the rectangular image, star image, etc. – figures 2,4-5).

Regarding claim 17, Stautner discloses a method comprising:

distributing a television program to an audience, wherein the program has supplemental content (interpreted as distributing a television program such as Talk Show: Politics, ABC evening news, etc. to the user, the program has chat content, merchandise information, sport statistic information, etc. – see figures 2-5, col. 5, lines 36-50; col. 6, lines 25-60);

Stautner further discloses the “supplemental content provided as an enhancement transmitted in association with the television program” (interpreted as additional digital information, web address, or advertising information is provided in VBI signal or provided as a portion of the television program or it is interpreted as when a television program is displayed on television window 100, the viewer selects chat session which is tied to the television program displayed on the television window, the chat content is transmitted and displayed in association with the television program displayed in television window – see include, but are not limited to, col. 1, lines 55-61,

Art Unit: 2424

col. 2, line 49-63, col. 3, lines 50-65, col. 4, lines 21-28, col. 5, lines 15-67, col. 7, lines 35-55).

distributing the supplemental content to the audience by a processor (interpreted as distributing chat content, merchandise content, sports statistic content, etc. to the user by central processor, wherein the type of the supplemental content such as chat is associated with circle symbol, merchandise is associated with rectangular symbol, sport statistics is associated with a square symbol, etc. – see figures 2-5, col. 5, lines 15-35; col. 6, lines 35-60);

the limitations that corresponding to the limitations of claim 1 are analyzed as discussed in the rejection of claim 1.

Regarding claim 20, Stautner in view of Farwell discloses the method as discussed in the rejection of claim 17. Stautner in view of Farwell further discloses the second predefined unique symbol is a text string (e.g., AOL, chat, title, in Stautner: figures 2-4 or PIP in Farwell: figure 13).

Regarding claim 22, Stautner in view of Farwell discloses the method as discussed in the rejection of claim 17. Stautner in view of Farwell further discloses the second predefined unique symbol is a graphic symbol (e.g., circle symbol for chat: Stautner: figures 2-4; PIP symbol in Farwell: figure 13).

Regarding claim 23, Stautner in view of Farwell discloses the method as discussed in the rejection of claim 17. Stautner in view of Farwell further discloses the second predefined unique symbol is an image (e.g., image for chat: Stautner: figures 2-4; PIP image in Farwell: figure 13).

6. Claims 8-12, 14, 16 and 24-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner (US 6,172,677) in view of Farwell and further in view of Boyer et al. (US 6,268,849 – hereinafter Boyer).

Regarding claim 8, Stautner in view of Farwell discloses a method as discussed in the rejection of claim 1. Stautner further discloses information is extracted from a received signal (col. 3, line 59-col. 4, line 29). However, Stautner does not specifically disclose distributing the program schedule.

Boyer discloses distributing a program schedule (distributing the television program listings with embedded real-time data to the user's multimedia system in the form of web pages-see include, but are not limited to, col. 2, lines 49-65, col. 5, lines 1-12, col. 6, lines 1-3, col. 9, lines 5-20, figures 1, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner in view of Farwell to use the teaching of distributing program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver, or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

Regarding claim 9, Stautner in view of in view of Farwell and Boyer teaches a method as discussed in the rejection of claim 8. Stautner also discloses the teaching of various text-based system for providing information on television shows, information found in a local newspaper, etc. in the Related Art (col. 1, lines 15-28). Stautner further discloses a program schedule with unique symbol. However, Stautner does not specifically disclose printing the program schedule includes the second symbol in the program schedule in the publication. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner in view of Farwell and Boyer to use the teaching of printing the program schedule with symbol (program schedule described in Stautner) in the publication (e.g. local newspapers, patent publication, etc.) in order to expand distribution of program schedule includes symbol to users in different ways (e.g. to include publication readers), thereby helping the readers to make decision more accurate based on information about supplemental content associated with the program listing provided.

Regarding claim 10, Stautner in view of Farwell and Boyer teaches a method as discussed in the rejection of claim 8. Stautner already discloses program schedule includes predetermined unique symbol as discussed in the rejection of claim 1 (also see figures 2-5). Stautner does not specifically disclose transmitting the program schedule.

Boyer discloses transmitting the program information listing with embedded real time data to the user's multimedia system in the forms of web pages (see including, but

Art Unit: 2424

is not limited to, col. 2, lines 49-65, col. 9, lines 5-20) reads on the transmitting program schedule. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of distributing program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver, or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

Regarding claim 11, Stautner in view of Farwell and Boyer discloses a method as discussed in the rejection of claim 10. Stautner further discloses the icons (symbols) may be animated and have three dimension looks or arrangement to them (col. 7, lines 14-15). The icons are placed in the program schedule by the content provider which presents prompts to a user for action, the information is extracted from the received signal (col. 3, lines 40-65; col. 4, lines 15-60). Inherently, the data (e.g. icon, information) is transmitted which when accessed by a machine (e.g. processor using software) causes the machine to display an animated version of the second predefined unique symbol so that the icons are animated.

Regarding claim 12, Stautner in view of Farwell and Boyer discloses a method as discussed in the rejection of claim 8. Stautner discloses providing the second unique symbol in association with the listing in the program schedule (e.g. circle symbol 30 in association with Talk Show: Politics – figures 2-5). However, Stautner does not specifically disclose making the program schedule available on the World Wide Web.

Boyer further discloses making the program schedule available on the World Wide Web; and providing embedded real time data (e.g. real time data 650) association with the listing in the program schedule on the World Wide Web (col. 2, lines 49-65, col. 5, lines 45-67, col. 9, lines 5-19, figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner in view of Farwell to use the teaching of making the program schedule available on the World Wide Web (web page) in order to allow user to access the program information listings and embedded real time at remote locations (col. 2, lines 55-66) thereby improve convenience for user.

Regarding claim 14, Stautner discloses a method comprising:

the program schedule comprising:

a first listing for a television program that has supplementary content provided as an enhancement transmitted in association with the television program (e.g. listing for a program that has supplemental content such as pizza Hut, or score, etc. provided as enhancement transmitted in associated with the television program— figures 2, 4-5 and discussion in the rejection of claim 1);

a second listing for a television program that has supplementary content provided as an enhancement transmitted in associated with the television program (e.g., listing for television program that has supplementary content such as chat content provided as an enhancement transmitted in associated with the television program – figures 2-4 and discussion in the rejection of claim 1);

a first predefined unique symbol in association with the first listing (e.g., star symbol, square symbol, etc. in association with "NBA..", "Clear and present danger"..., and a second predefined unique symbol associated with the second listing (e.g., circle symbol for chat session associated with Talk Show (see include, but are not limited to, figures 2-5 and discussion in the rejection of claim 1.

Stautner also discloses displaying the program schedule with the icons on a display screen (figures 2-5, col. 4, lines 30-40, col. 6, lines 7-60). Inherently, the program schedule must be sent to a display before it display on the display screen.

For limitations that correspond to the limitations in claim 1 are analyzed as discussed in the rejection of claim 1.

Stautner also discloses receiving information in the received signal (col. 3, lines 50-67). However, Stautner does not specifically disclose receiving a program schedule.

Boyer discloses receiving a program schedule (receiving program information listings and embedded real time in the form of web pages-see include, but are not limited to, col. 2, lines 49-65, col. 5, lines 1-12, col. 6, lines 1-3, col. 9, lines 5-20, figures 1, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner in view of Farwell to use the teaching of receiving program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver; or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).



Art Unit: 2424

Regarding claim 16, Stautner in view of Farwell and Boyer discloses a method as discussed in the rejection of claim 14. Stautner further discloses the icons and other data is received (col. 3, lines 45-65, col. 5, lines 16-19; col. 6, line 62-13). Further the icons may be animated and have three dimensional looks or arrangement to them (col. 6, line 62-col. 7, line 15). Thus, an animated version of the first predetermined unique symbol (embedded icons) is inherently received and sent to the display so that the animated icons are displayed on the screen.

Regarding claim 24, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 14, and are analyzed as discussed with respect to the rejection of claim 14, Stautner further discloses a display component (e.g. large screen monitor or monitors with all sizes) is coupled to the receiver (e.g., computer system) to program schedule and the symbols are displayed on the monitors (see col. 1, lines 36-col. 2, lines 23). Furthermore, Boyer also discloses user multimedia receiver (e.g. PCTV, desktop computer, etc.) receive program schedule webpage and provides the program schedule webpage to the monitor for display (see figures 1, 9, col. 5, lines 31-44; col. 9, lines 5-20).

Regarding claim 25, Stautner in view of Farwell and Boyer discloses a method as discussed in the rejection of claim 24. Stautner further discloses an input device to receive a signal corresponding to selection of the predetermined unique symbol on the display device by a user (interpreted as a receiver in the computer system for receiving

Art Unit: 2424

signal in response to user selection of an icon (for example, IR/RF/or electrical signal receiver at computer system for receiving IR/RF/or electrical signal from user mote control, keyboard or any user input device in response to user selection of an icon on the screen (e.g. circle icon); and

a content delivery component to provide the supplementary content in response to the signal (e.g. component to provide chat content, merchandise information, etc.) to the display for display on the screen in response selection signal (see including, but is not limited to, col. 6, lines 25-67, figures 2-3).

Regarding claims 26 and 28, the limitations as claimed are directed toward embodying the method of claims 14, 16 in “computer readable storage medium”. Stautner and Boyer also discloses procedures of the method are performed using a software application executed by the computer (see Stautner- col. 3, line 40-col. 4, line 31, col. 5, lines 15-35, col. 6, lines 25-60; or see Boyer col. 6, lines 1-21. It would have been obvious to embody the procedures of Stautner in view of Boyer discussed with respect to claims 14-16 in a “computer readable storage medium” in order that the instructions could be automatically performed by a processor/computer.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kweon et al. (US 7,061,545 B1) discloses method for displaying menu on TV.

Goldstein (US 5,410,326) discloses symbol for two screens mode, one screen mode (figure 2d).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2424

April 12, 2009